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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of Rudolf Eckardt and Hans-Joachim Jänsch

Serial No.: 09/447,490

Filed on November 23, 1999

For PROCESS FOR PRODUCING CARBAMAZEPINE

Attorney's Docket 0691-018A/GPK

COPY
VIA
FAX**BOX AF**Hon. Commissioner of Patents and Trademarks
Washington DC 20231**RESPONSE**

Sir:

This is in response to the Advisory Action mailed on May 17, 2000.

It is respectfully submitted that both the finality of the outstanding action, as well as of designating the last, the aforementioned communication, were premature. The reason is that the rejection is based on an admittedly erroneous translation of the sole outstanding reference, the European patent to Acklin et al., and the examiner stated that he ordered a correct translation. Since the available translation is erroneous, and no correct translation was supplied by and actually acted on by the examiner as yet, and, as pointed out below, the examiner's reading of Acklin et al., is also erroneous. For all of these reasons the premature finality of the outstanding action is urged to be removed and it is requested that no final action be issued until and unless a correct translation of Acklin et al., is also made available therewith after the examiner received, has reviewed, and acted on the corrected translation. In the meantime, enclosed herewith is a correct translation made by the undersigned of pertinent portions of the Acklin et al. disclosure.

Furthermore, it was for the first time in the outstanding paper referred to as "Advisory Action" that claims 1, 2 3 and 14 of Acklin et al. were specifically relied on for rejecting the instant claims. That is a further important reason for the prematurity of the outstanding finality of the rejection which was applied for the first time in the paper styled "Advisory Action."